

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**ASSURANCE COMPANY OF
AMERICA, et al.**

Plaintiffs

v.

**YORK INTERNATIONAL, INC.,
et al.**

Defendants

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Case No.: 1:05-CV-01301-AMD

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE OPPOSITION TO DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT, IN EXCESS OF FIFTY (50) PAGES**

Assurance Company of America and Rick Dansey, individually, Plaintiffs, by and through their attorneys, William C. Parler, Jr. and Parler & Wobber, L.L.P., files this Motion for Leave to File Opposition to Defendants' Motions for Summary Judgment, in Excess of Fifty (50) Pages, pursuant to Local Rule 105.3, and for reasons states as follows:

1. This case arises out of a fire at Plaintiff Rick Dansey's ("Dansey") home, which was under construction and 85% complete, on November 17, 2004. The investigating fire marshals and Plaintiffs' experts determined that the fire originated in a furnace located along the east wall of the furnace room in the basement ("the East Furnace"). Plaintiffs' subsequently learned that the East Furnace was designed and manufactured by Defendant York International, Inc. ("York"), being used prior to the fire (and contrary to the manufacturer's instructions) by Defendant Gregory D. Mortimer Properties, Inc. ("Mortimer"), and was installed by Defendant David W. DeWitt t/a

DeWitt Plumbing, Heating and Air Conditioning three weeks before the fire. After Plaintiff Assurance Company of America's ("Assurance"), Dansey's insurer, paid out monies for losses Dansey sustained as a result of the fire, Plaintiffs filed the instant lawsuit against York, Mortimer, and DeWitt (the company), as well as David W. DeWitt, individually (collectively "DeWitt").

2. All Defendants have filed motions for summary judgment. Although all Defendants raise Rule 702 and *Daubert* challenges to Plaintiffs' experts, each Defendant asserts slightly different factual bases in their motions. In addition, each individual Defendant raises additional grounds in their motions specific to causes of action against that particular Defendant.

3. In an effort towards judicial economy and avoiding redundancy, Plaintiffs have consolidated their Opposition to all three motions for summary judgment in one pleading, addressing both the Rule 702 and *Daubert* arguments, as well as the arguments specific to individual Defendants, as appropriate.

4. As indicated above, this is a complicated fire case, involving disputes over expert's findings.

5. For the above reasons, Plaintiffs' Opposition to all three motions for summary judgment, in one consolidated pleading, exceeds fifty (50) pages.

WHEREFORE, Plaintiffs, Assurance Company of America and Rick Dansey, individually, request that this Honorable Court:

A. GRANT this Motion for Leave to File Opposition to Defendants' Motions for Summary Judgment, in Excess of Fifty (50) Pages; and

B. Such other and further relief as the nature of this cause may require.

Respectfully submitted,

/s/
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Attorney for Plaintiffs
Assurance Company of America and
Rick Dansey, individually

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2007, a copy of the foregoing was served on all counsel of record, via the ECF filing system:

/s/
WILLIAM C. PARLER, JR. # 05087